

TFA



PATENT  
Attorney Docket 046124-5025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Yukio KATO et al.**

Application No. **09/555,342**

Filed: **May 26, 2000**

For: **HUMAN FETUS CHONDROCYTE  
DERIVED GENE**

Group Art Unit: **1642**

Examiner: **Minh-Tam Davis**

U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**TRANSMITTAL FORM**

1. Transmitted an Information Disclosure Statement Under 37 C.F.R. 1.97 (b).
2. Additional Papers Submitted:
  - (i) Form PTO-1449
  - (ii) One (1) copy of reference listed on PTO-1449.
3. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 26, 2006**

Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

*Christopher J. Betti*

Christopher J. Betti, Ph.D.  
Registration No. 56,890



PATENT  
Attorney Docket 046124-5025

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: <b>Yukio KATO <i>et al.</i></b>	)	
	)	
Application No. <b>09/555,342</b>	)	Group Art Unit: <b>1642</b>
	)	
Filed: <b>May 26, 2000</b>	)	Examiner: <b>Minh-Tam Davis</b>
	)	
For: <b>HUMAN FETUS CHONDROCYTE DERIVED GENE</b>	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97 (b)**

In accordance with the duty of disclosure imposed by 37 C.F.R. §§ 1.56 and 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner's attention to Reference C01, cited on the attached Revised PTO Form 1449. This reference was cited in the attached European Search Report that was mailed to Applicants on April 19, 2006 in the corresponding European application.

A copy of the listed document is attached. Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the above-listed document is material or constitutes prior art. If the Examiner applies the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute prior art under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention should the document be applied against the claims of the present application.

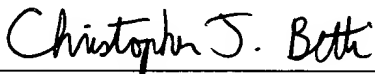
Pursuant to 37 C.F.R. § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, so that no fee is believed to be due. However, should the Patent Office determine otherwise, please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account 50-0310.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 25, 2006**

Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Christopher J. Betti, Ph.D.  
Registration No. 56,890



**LIST OF REFERENCES CITED BY APPLICANT**  
(Revised PTO Form 1449)

ATTY DOCKET NO.

046124-5025

APPLICATION NO.

09/555,342

APPLICANT

Y. Kato *et al.*

FILING DATE

May 26, 2000

GROUP

1642

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01						
	A02						
	A03						
	A04						
	A05						
	A06						
	A07						
	A08						
	A09						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01							
	B02							
	B03							
	B04							
	B05							

**OTHER REFERENCES** (Including Author, Title, Date, Pertinent Pages, Etc.)

	C01	Nurminskaya et al., Identification and characterization of up-regulated genes during chondrocyte hypertrophy, DEVELOPMENTAL DYNAMICS, 1996, 206, 260-271
	C02	
	C03	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.